

1                   A bill to be entitled  
2     An act relating to residential living arrangements;  
3     amending s. 419.001, F.S.; defining terms; deleting  
4     definitions and provisions related to community  
5     residential living arrangements; creating s. 419.003,  
6     F.S.; providing that a community residence is a  
7     residential use of property; providing the purpose and  
8     duties of a community residence; requiring that the  
9     residents of a community residence receive care by  
10    supportive staff as may be necessary; providing that  
11    residents may be self-governing or supervised by a  
12    certain sponsoring entity; providing that a community  
13    residence constitutes a family for certain purposes  
14    and is not subject to certain provisions if certain  
15    conditions are met; providing that certain community  
16    residences may not be included when determining  
17    spacing distance requirements; requiring that a  
18    community residence be licensed or certified, or  
19    operate pursuant to a charter from an entity  
20    recognized or sanctioned by Congress; authorizing a  
21    local government to revoke or nullify the siting  
22    approval of a community residence under certain  
23    circumstances; prohibiting a sponsoring entity whose  
24    license, certification, or charter, or application for  
25    such license, certification, or charter, has been

26 | revoked or denied from operating a community  
27 | residence; providing for the nullification of zoning  
28 | approval under certain circumstances; authorizing the  
29 | sponsoring entity of a community residence to appeal  
30 | the revocation or denial of its license,  
31 | certification, or charter; requiring that zoning  
32 | approval granted to a sponsoring entity be stayed  
33 | pending the outcome of such appeal; requiring a  
34 | sponsoring entity of a community residence to notify  
35 | the designated local government official of the  
36 | revocation or denial of its license, certification, or  
37 | charter within a specified timeframe; requiring a  
38 | sponsoring entity to cease operations within a  
39 | specified timeframe after receiving notice of the  
40 | denial or revocation of its license, certification, or  
41 | charter; authorizing a local government to require  
42 | operations to cease immediately under certain  
43 | circumstances; requiring a sponsoring entity to  
44 | coordinate the reunion of residents with their  
45 | families or relocation to a safe and secure living  
46 | environment; requiring that enforcement of the denial  
47 | or revocation of a license, certificate, or charter be  
48 | stayed pending the outcome of an appeal; providing an  
49 | exception; providing spacing distance requirements for  
50 | the siting of a community residence; providing that

51 certain community residences may not be included in  
52 spacing distance calculations; specifying requirements  
53 for the calculation of spacing distance for each  
54 street and alley; creating s. 419.005, F.S.; providing  
55 that a family community residence or transitional  
56 community residence constitutes a residential use  
57 allowed in specified zoning districts if certain  
58 requirements are met; specifying such requirements;  
59 providing that a community residence is considered a  
60 residential use of property for purposes of local  
61 government and land use zoning codes when in  
62 compliance with specified provisions; specifying that  
63 the provisions of the act do not affect the legal  
64 nonconforming use status of certain community  
65 residences or the authority of certain community  
66 residences established before a specified date to  
67 continue to operate, under certain circumstances;  
68 providing construction; providing that spacing  
69 distances may not exceed certain specifications;  
70 authorizing a local government to require a sponsoring  
71 entity to immediately cease operations under certain  
72 circumstances; creating s. 419.007, F.S.; providing  
73 that a proposed community residence may receive a  
74 reasonable accommodation if the sponsoring entity  
75 demonstrates that specified requirements are met;

76 providing primary factors to consider when determining  
77 compliance with certain provisions; requiring a local  
78 government to authorize a reasonable accommodation for  
79 certain proposed community residences if specified  
80 requirements are met; requiring a local government to  
81 authorize a reasonable accommodation for a community  
82 residence intended to house more than 12 unrelated  
83 people if specified requirements are met; requiring a  
84 local government to authorize a reasonable  
85 accommodation for transitional community residences if  
86 specified requirements are met; creating s. 419.009,  
87 F.S.; requiring that a recovery community be licensed  
88 or certified by a licensing or certifying entity;  
89 authorizing a local government to revoke siting  
90 approval for a recovery community under certain  
91 circumstances; prohibiting a sponsoring entity for a  
92 recovery community whose license or certification has  
93 been denied or revoked from operating in this state;  
94 providing for the nullification of certain zoning  
95 approval; requiring that zoning approval be stayed  
96 pending the outcome of a sponsoring entity's appeal of  
97 the revocation or denial of its licensure or  
98 certification; requiring a sponsoring entity to notify  
99 the designated local government official or other  
100 applicable entity within a specified timeframe that

its license or certification has been revoked or denied; requiring a sponsoring entity to cease operations within a specified timeframe after such notice; authorizing a local government to require a sponsoring entity to immediately cease operations under certain circumstances; requiring the sponsoring entity to coordinate the reunion or relocation of residents; requiring that the enforcement of the revocation or denial of a license be stayed pending the outcome of an appeal; providing an exception; provided that a recovery community constitutes a residential use allowed as of right if certain requirements are met; providing that the provisions of this act do not affect the legal nonconforming use status or the authority of an recovery community to operate; providing construction; authorizing a local government to require a sponsoring entity of a recovery community to immediately cease operations if continued operation poses an immediate and significant threat to the health and safety of the residents or the community; creating s. 419.013, F.S.; requiring that a recovery community in specified locations be allowed a reasonable accommodation if certain requirements are met; specifying factors that must be considered to determine compliance with certain

provisions; providing that a proposed recovery community in combination with any existing community residence, recovery community, or congregate living facility may not alter the residential character of the surrounding neighborhood; creating s. 419.015, F.S.; requiring a local government to respond in writing within a specified timeframe to requests regarding whether a proposed community residence or recovery residence is within a certain spacing distance from certain other residences; requiring that such response include certain information; requiring a local government to provide the sponsoring entity of a proposed community residence or recovery residence with certain information within a specified timeframe if such residences meet certain criteria; amending ss. 393.501, 400.464, 400.9972, 429.11, 429.67, and 1003.57, F.S.; conforming provisions to changes made by the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

**Section 1. Section 419.001, Florida Statutes, is amended to read:**

419.001 Community residences and recovery communities;  
definitions ~~Site selection of community residential homes.-For~~

the purposes of this chapter, the term:

(1) ~~For the purposes of this section, the term:~~

~~(a)~~ "Community residence ~~residential home~~" means a residential living arrangement for unrelated individuals with disabilities living as the functional equivalent of a family in a dwelling unit, townhome, duplex, or triplex who need the mutual support furnished by other residents of the dwelling as well as the support services, if any, provided by any staff of the community residence. The term includes a living arrangement in which residents may be self-governing or supervised by a sponsoring entity or its staff, which provide habilitative or rehabilitative services related to the residents' disabilities. A community residence operates as the functional equivalent of a family to foster normalization of its residents, integrate them into the surrounding community, and use neighbors as role models for those residents capable of going into the community and interacting with neighbors. Supportive interrelationships between residents are an essential component. Its primary purpose is to provide shelter; foster and facilitate life skills; and meet the physical, emotional, and social needs of the residents in a mutually supportive family-like environment. The term includes, but is not limited to, residences licensed by the Agency for Persons with Disabilities, the Department of Elderly Affairs, the Agency for Health Care Administration, and the Department of Children and Families; recovery residences

176 certified by the state's designated credentialing entity  
177 established under s. 397.487; and recovery residences  
178 democratically operated by their residents pursuant to a charter  
179 from an entity recognized or sanctioned by Congress ~~a dwelling~~  
180 ~~unit licensed to serve residents who are clients of the~~  
181 ~~Department of Elderly Affairs, the Agency for Persons with~~  
182 ~~Disabilities, the Department of Juvenile Justice, or the~~  
183 ~~Department of Children and Families or licensed by the Agency~~  
184 ~~for Health Care Administration which provides a living~~  
185 ~~environment for 7 to 14 unrelated residents who operate as the~~  
186 ~~functional equivalent of a family, including such supervision~~  
187 ~~and care by supportive staff as may be necessary to meet the~~  
188 ~~physical, emotional, and social needs of the residents.~~

189 (2) "Congregate living facility" means a group living  
190 arrangement that provides long-term care, accommodations, food  
191 service, and one or more personal care services to people with  
192 or without disabilities who pose a direct threat to the health  
193 or safety of others, and who are not related to the owner or  
194 administrator by blood or marriage.

195 (a) Congregate living facilities include, but are not  
196 limited to:

197 1. An intermediate care or assisted living facility that  
198 does not operate as the functional equivalent of a family.

199 2. A group living arrangement that is an alternative to  
200 incarceration for people who pose a direct threat to the health



201 or safety of others.

202 3. A facility for the treatment of substance use disorders  
203 where treatment is the primary purpose and use of the facility,  
204 whether it provides services only or includes a residential  
205 component on site.

206 4. A facility for a group living arrangement too large to  
207 operate as the functional equivalent of a family where  
208 normalization, community integration, and the use of neighbors  
209 as role models are not integral elements.

210 (b) A congregate living facility is not a community  
211 residence or a recovery community.

212 (3) "Disability" means a physical or mental impairment  
213 that substantially limits an individual's major life activities  
214 or impairs an individual's ability to live independently. The  
215 term includes an individual having a record of such an  
216 impairment or being regarded as having such an impairment as  
217 defined in the federal Fair Housing Act and Americans with  
218 Disabilities Act. The term includes, but is not limited to, all  
219 of the following:

220 (a) An elderly person with disabilities as described in s.  
221 429.65(9).

222 (b) A person with development disabilities as defined in  
223 s. 393.063.

224 (c) A person with a mental illness as defined in s.  
225 394.455.

226        (d) A person in recovery from substance abuse as defined  
227        in s. 397.311.

228  
229        The term "disability" does not include individuals with a  
230        substance use disorder who use illegal substances or substances  
231        to which they are addicted or individuals who constitute a  
232        direct threat to the health and safety of other persons.

233        (4) "Family community residence" means a community  
234        residence that provides a long-term living arrangement of at  
235        least 6 months duration and does not limit how long a resident  
236        may live there. Typical uses may include, but are not limited  
237        to, all of the following:

238        (a) A community residential home for people with a  
239        disability who do not pose a threat to the health and safety of  
240        other persons and whose residency would not result in  
241        substantial physical damage to the property of others.

242        (b) A group home for people with a disability which  
243        operates as the functional equivalent of a family, including,  
244        but not limited to, people with mental illness, physical  
245        disabilities, or a substance use disorder.

246        (c) An assisted living facility for the elderly licensed  
247        under s. 429.07.

248        (d) An adult family-care home licensed under s. 429.67.

249        (e) A community residential home licensed by the  
250        Department of Elderly Affairs, the Agency for Persons with

Disabilities, the Department of Children and Families, or the Agency for Health Care Administration which provides a living environment for residents who operate as the functional equivalent of a family.

(f) An intermediate care facility licensed under s. 400.962 which operates as the functional equivalent of a family.

(g) Housing licensed under chapter 394.

(h) Recovery residences certified under s. 397.487 or certified recovery residences as defined in s. 397.311 where residency is typically at least 6 months.

(i) Recovery residences democratically operated by their residents pursuant to a charter from an entity recognized or sanctioned by Congress.

(5) ~~(b)~~ "Licensing or certifying entity" ~~or "licensing entities"~~ means the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, the Department of Children and Families, the Florida Association of Recovery Residences or other licensing or certifying entity as determined by the Department of Children and Families pursuant to s. 397.487, or the Agency for Health Care Administration, ~~all of which are authorized to license a community residential home to serve residents.~~

(6) ~~(c)~~ "Local government" means a county as set forth in chapter 125 ~~7~~ or a municipality incorporated under ~~the provisions of~~ chapter 165.

276        ~~(7)(d)~~ "Long term" means a continuous period of 6 or more  
277 months ~~"Planned residential community" means a local government-~~  
278 ~~approved, planned unit development that is under unified~~  
279 ~~control, is planned and developed as a whole, has a minimum~~  
280 ~~gross lot area of 8 acres, and has amenities that are designed~~  
281 ~~to serve residents with a developmental disability as defined in~~  
282 ~~s. 393.063 but that shall also provide housing options for other~~  
283 ~~individuals. The community shall provide choices with regard to~~  
284 ~~housing arrangements, support providers, and activities. The~~  
285 ~~residents' freedom of movement within and outside the community~~  
286 ~~may not be restricted. For the purposes of this paragraph, local~~  
287 ~~government approval must be based on criteria that include, but~~  
288 ~~are not limited to, compliance with appropriate land use,~~  
289 ~~zoning, and building codes. A planned residential community may~~  
290 ~~contain two or more community residential homes that are~~  
291 ~~contiguous to one another. A planned residential community may~~  
292 ~~not be located within a 10-mile radius of any other planned~~  
293 ~~residential community.~~

294        (8) "Reasonable accommodation" means providing one or more  
295 individuals with a disability and providers of housing for one  
296 or more individuals with a disability the opportunity to receive  
297 modification or waiver of certain requirements for land use,  
298 zoning, or property maintenance and building code regulations to  
299 give such individual or individuals with a disability an equal  
300 opportunity to use and enjoy a dwelling within the meaning of 42

301 U.S.C. s. 3604(f).

302 (9) "Recovery community" means multiple dwelling units,  
303 including adjacent multifamily structures, duplexes, triplexes,  
304 and quadraplexes; attached single-family dwellings; a series of  
305 adjacent single-family detached dwellings; or a group of such  
306 adjacent dwellings which are not held out to the general public  
307 for rent or occupancy and which provide a mutually supportive,  
308 drug-free, and alcohol-free living arrangement for people in  
309 recovery from a substance use disorder who do not operate as the  
310 functional equivalent of a family and are under the auspices of  
311 a single sponsoring entity or group of related sponsoring  
312 entities.

313 (a) The term includes land uses for which the sponsoring  
314 entity is eligible to apply for certification pursuant to s.  
315 397.487.

316 (b) The term does not include other group living  
317 arrangements for people who are not disabled or any community  
318 residence, congregate living facility, institutional or medical  
319 use facility, shelter, lodging or boarding house, extended stay  
320 hotel, nursing home, vacation rental, or other living  
321 arrangement for similar use.

322 (10) "Recovery residence" has the same meaning as in s.  
323 397.311.

324 (11)~~(e)~~ "Resident" means any of the following: a frail  
325 elder as defined in s. 429.65; a person who has a disability as

defined in s. 760.22 ~~s. 760.22(3)(a)~~; a person who has a developmental disability as defined in s. 393.063; a nondangerous person who has a mental illness as defined in s. 394.455; a person in recovery from a substance use disorder; or live-in staff ~~or a child who is found to be dependent as defined in s. 39.01, or a child in need of services as defined in s. 984.03.~~

(12) ~~(f)~~ "Sponsoring entity ~~agency~~" means an agency or unit of government, a for-profit ~~profit~~ or nonprofit agency, or any other person or organization that ~~which~~ intends to establish or operate a community residence, recovery community, recovery residence, or congregate living facility ~~residential home~~.

(13) "Transitional community residence" means a community residence that provides a temporary living arrangement of less than 6 months for unrelated people with disabilities.

Transitional community residences include, but are not limited to:

(a) A group home for individuals with a disability which operates as the functional equivalent of a family.

(b) A community residence for people with a disability who do not pose a direct threat to the health and safety of other persons or whose residency would not result in substantial physical damage to the property of others.

(c) Housing connected to outpatient treatment licensed under chapter 394.

351        (d) A living arrangement licensed by the Department of  
352        Elderly Affairs, the Agency for Persons with Disabilities, the  
353        Department of Juvenile Justice, the Department of Children and  
354        Families, or the Agency for Health Care Administration which  
355        provides a living environment for 7 to 14 unrelated residents  
356        who operate as the functional equivalent of a family.

357        (e) A certified recovery residence as defined in s.  
358        397.311, at which residency is typically less than 6 months.

359        (f) A separate residential community housing component,  
360        pursuant to s. 397.311(9), of a day or night treatment facility  
361        with a community housing license

362        ~~(2) Homes of six or fewer residents which otherwise meet~~  
363        ~~the definition of a community residential home shall be deemed a~~  
364        ~~single-family unit and a noncommercial, residential use for the~~  
365        ~~purpose of local laws and ordinances. Homes of six or fewer~~  
366        ~~residents which otherwise meet the definition of a community~~  
367        ~~residential home shall be allowed in single-family or~~  
368        ~~multifamily zoning without approval by the local government,~~  
369        ~~provided that such homes are not located within a radius of~~  
370        ~~1,000 feet of another existing such home with six or fewer~~  
371        ~~residents or within a radius of 1,200 feet of another existing~~  
372        ~~community residential home. Such homes with six or fewer~~  
373        ~~residents are not required to comply with the notification~~  
374        ~~provisions of this section; provided that, before licensure, the~~  
375        ~~sponsoring agency provides the local government with the most~~

~~recently published data compiled from the licensing entities that identifies all community residential homes within the jurisdictional limits of the local government in which the proposed site is to be located in order to show that there is not a home of six or fewer residents which otherwise meets the definition of a community residential home within a radius of 1,000 feet and not a community residential home within a radius of 1,200 feet of the proposed home. At the time of home occupancy, the sponsoring agency must notify the local government that the home is licensed by the licensing entity. For purposes of local land use and zoning determinations, this subsection does not affect the legal nonconforming use status of any community residential home lawfully permitted and operating as of July 1, 2016.~~

~~(3)(a) When a site for a community residential home has been selected by a sponsoring agency in an area zoned for multifamily, the agency shall notify the chief executive officer of the local government in writing and include in such notice the specific address of the site, the residential licensing category, the number of residents, and the community support requirements of the program. Such notice shall also contain a statement from the licensing entity indicating the licensing status of the proposed community residential home and specifying how the home meets applicable licensing criteria for the safe care and supervision of the clients in the home. The sponsoring~~



401 ~~agency shall also provide to the local government the most~~  
402 ~~recently published data compiled from the licensing entities~~  
403 ~~that identifies all community residential homes within the~~  
404 ~~jurisdictional limits of the local government in which the~~  
405 ~~proposed site is to be located. The local government shall~~  
406 ~~review the notification of the sponsoring agency in accordance~~  
407 ~~with the zoning ordinance of the jurisdiction.~~

408 ~~(b) Pursuant to such review, the local government may:~~

409 ~~1. Determine that the siting of the community residential~~  
410 ~~home is in accordance with local zoning and approve the siting.~~  
411 ~~If the siting is approved, the sponsoring agency may establish~~  
412 ~~the home at the site selected.~~

413 ~~2. Fail to respond within 60 days. If the local government~~  
414 ~~fails to respond within such time, the sponsoring agency may~~  
415 ~~establish the home at the site selected.~~

416 ~~3. Deny the siting of the home.~~

417 ~~(c) The local government shall not deny the siting of a~~  
418 ~~community residential home unless the local government~~  
419 ~~establishes that the siting of the home at the site selected:~~

420 ~~1. Does not otherwise conform to existing zoning~~  
421 ~~regulations applicable to other multifamily uses in the area.~~

422 ~~2. Does not meet applicable licensing criteria established~~  
423 ~~and determined by the licensing entity, including requirements~~  
424 ~~that the home be located to assure the safe care and supervision~~  
425 ~~of all clients in the home.~~

~~3. Would result in such a concentration of community residential homes in the area in proximity to the site selected, or would result in a combination of such homes with other residences in the community, such that the nature and character of the area would be substantially altered. A home that is located within a radius of 1,200 feet of another existing community residential home in a multifamily zone shall be an overconcentration of such homes that substantially alters the nature and character of the area. A home that is located within a radius of 500 feet of an area of single-family zoning substantially alters the nature and character of the area.~~

~~(4) Community residential homes, including homes of six or fewer residents which would otherwise meet the definition of a community residential home, which are located within a planned residential community are not subject to the proximity requirements of this section and may be contiguous to each other. A planned residential community must comply with the applicable local government's land development code and other local ordinances. A local government may not impose proximity limitations between homes within a planned residential community if such limitations are based solely on the types of residents anticipated to be living in the community.~~

~~(5) All distance requirements in this section shall be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home.~~

~~(6) If agreed to by both the local government and the sponsoring agency, a conflict may be resolved through informal mediation. The local government shall arrange for the services of an independent mediator. Mediation shall be concluded within 45 days of a request therefor. The resolution of any issue through the mediation process shall not alter any person's right to a judicial determination of any issue if that person is entitled to such a determination under statutory or common law.~~

~~(7) The licensing entity shall not issue a license to a sponsoring agency for operation of a community residential home if the sponsoring agency does not notify the local government of its intention to establish a program, as required by subsection (3). A license issued without compliance with the provisions of this section shall be considered null and void, and continued operation of the home may be enjoined.~~

~~(8) A dwelling unit housing a community residential home established pursuant to this section shall be subject to the same local laws and ordinances applicable to other noncommercial, residential family units in the area in which it is established.~~

~~(9) Nothing in this section shall be deemed to affect the authority of any community residential home lawfully established prior to October 1, 1989, to continue to operate.~~

~~(10) Nothing in this section shall permit persons to occupy a community residential home who would constitute a~~

~~direct threat to the health and safety of other persons or whose residency would result in substantial physical damage to the property of others.~~

~~(11) The siting of community residential homes in areas zoned for single family shall be governed by local zoning ordinances. Nothing in this section prohibits a local government from authorizing the development of community residential homes in areas zoned for single family.~~

~~(12) Nothing in this section requires any local government to adopt a new ordinance if it has in place an ordinance governing the placement of community residential homes that meet the criteria of this section. State law on community residential homes controls over local ordinances, but nothing in this section prohibits a local government from adopting more liberal standards for siting such homes.~~

**Section 2. Section 419.003, Florida Statutes, is created to read:**

419.003 Community residences.—

(1) PURPOSE AND DUTIES.—

(a) A community residence is considered a residential use of property for purposes of all local government land use and zoning codes.

(b) A community residence shall do all of the following:

1. Provide safe and accommodating shelter for persons with disabilities.

501        2. Operate as the functional equivalent of a family by  
502 providing the opportunity for residents to form supportive  
503 relationships that nurture their physical, emotional, and social  
504 needs within a family-like relational structure.

505        3. Foster the normalization of residents, assist their  
506 integration into the surrounding community, and, when residents  
507 are capable, use neighbors without disabilities as role models.

508        4. Provide a safe and nurturing space for residents to  
509 gain and practice life skills.

510        (c) The residents of a community residence must receive  
511 care by supportive staff as may be necessary to meet their  
512 physical, emotional, and social needs.

513        (d) Residents may be self-governing or may be supervised  
514 by a sponsoring entity that provides habilitative or  
515 rehabilitative services related to the residents' disabilities.

516        (2) COMMUNITY RESIDENCES EXEMPTED FROM THIS CHAPTER.—

517        (a) A community residence constitutes a family for  
518 purposes of zoning and is not subject to this chapter when:

519        1. The number of occupants of a community residence,  
520 including live-in staff, does not exceed the maximum number of  
521 unrelated individuals, as determined by the definition of  
522 family, family unit, household, or a similar term in the  
523 appropriate local government land use code, ordinance, or  
524 regulation;

525        2. A local government's land use code, ordinance, or

526 regulation does not stipulate a specific number of unrelated  
527 people which constitutes a family, family unit, household, or  
528 similar term; or

529 3. A local government's land use code, ordinance, or  
530 regulation does not define family, family unit, household, or a  
531 similar term.

532 (b) A community residence that is exempted from this  
533 chapter pursuant subparagraph (a)1. may not be included when  
534 determining spacing distance requirements.

535 (3) LICENSURE AND OPERATIONS.—

536 (a) A community residence must be licensed or certified to  
537 operate when this state offers licensing or certification, or  
538 must operate pursuant to a charter from an entity recognized or  
539 sanctioned by Congress.

540 (b) A local government may revoke or nullify siting  
541 approval of a community residence if:

542 1. The sponsoring entity fails to provide the local  
543 government with evidence of permanent licensure or certification  
544 from the state; or

545 2. The community residence is not operated pursuant to a  
546 charter from an entity recognized or sanctioned by Congress.

547 (c) A sponsoring entity of a community residence whose  
548 license, certification, or charter, or application for such  
549 license, certification, or charter, has been revoked or denied  
550 by a licensing or certifying entity may not operate in this

551 state. Any zoning approval granted to such sponsoring entity  
552 becomes null and void upon the revocation or denial of its  
553 license, certification, or charter. The sponsoring entity of a  
554 community residence may appeal the revocation or denial of its  
555 license, certification, or charter. Any zoning approval granted  
556 to a sponsoring entity must be stayed pending the outcome of  
557 such appeal.

558 (d) The sponsoring entity of a community residence must  
559 notify the designated local government official within 5  
560 calendar days after receiving notice that its license,  
561 certification, or charter has been revoked or denied. The  
562 sponsoring entity shall cease operations within 60 calendar days  
563 after the date on which the sponsoring entity receives notice of  
564 the denial or revocation, except that the local government may  
565 require operations to cease immediately when continued operation  
566 poses a threat to the health and safety of the residents or the  
567 community residence. In such event, the sponsoring entity must  
568 coordinate the reunion of the residents with their families or  
569 arrange for the relocation of the residents to a safe and secure  
570 living environment. Enforcement of a revocation or denial must  
571 be stayed pending the outcome of an appeal unless a local  
572 government requires the sponsoring entity to cease operations.

573 (4) SITING.—Spacing distances under this section must be  
574 measured from the nearest lot line of the existing community  
575 residence, recovery community, or congregate living facility

closest to the proposed community residence or recovery  
community to the nearest lot line of the proposed community  
residence or recovery community. A community residence that is  
exempted from this chapter pursuant to subsection (2) may not be  
included when determining spacing distance requirements. Each  
street and alley within the specified spacing distance  
requirement counts as 1 parcel lot.

**Section 3. Section 419.005, Florida Statutes, is created to read:**

419.005 Community residences; permitted use.—

(1) FAMILY COMMUNITY RESIDENCE.—A family community  
residence is considered a residential use as of right in all  
zoning districts where residences are allowed as of right,  
provided that it complies with subsection (3).

(2) TRANSITIONAL COMMUNITY RESIDENCE.—A transitional  
community residence constitutes a residential use allowed as of  
right in all zoning districts where multifamily dwellings,  
duplexes, triplexes, or other forms of multifamily structures  
are allowed as of right, provided that it complies with  
subsection (3).

(3) REQUIREMENTS.—Family and transitional community  
residences shall be allowed as of right as permitted uses only  
if such residences comply with the following requirements:

(a) The proposed community residence must be located at  
least 660 feet or 7 consecutive parcel lots, including each



601 street and alley as 1 parcel lot, whichever is a greater  
602 distance, from the closest existing community residence,  
603 recovery community, or congregate living facility.

604 (b) The proposed community residence has been issued and  
605 maintains:

606 1. A license, certification, or charter required to  
607 operate the proposed community residence; or

608 2. A provisional or conditional license, certification, or  
609 charter during an application process as determined by the  
610 designated licensing, certifying, or chartering entity.

611 (c) No more than 12 individuals occupy the proposed  
612 community residence, subject to the local government's standard  
613 housing, building, or property maintenance code's provisions  
614 related to overcrowding.

615 (4) CODE COMPLIANCE.—A community residence is considered a  
616 residential use of property for purposes of local government  
617 land use and zoning codes when in compliance with this chapter.

618 (5) EXCEPTIONS.—

619 (a) For purposes of local land use and zoning  
620 determinations, this section does not affect:

621 1. The legal nonconforming use status of any community  
622 residence lawfully permitted and operating before July 1, 2026,  
623 as long as it is licensed or certified no later than July 1,  
624 2027, or a reasonable accommodation is granted under s.  
625 419.007(2) by July 1, 2027.

626        2. The authority of any community residence lawfully  
627 established before July 1, 2026, to continue to operate as long  
628 as it is licensed or certified no later than July 1, 2027, or a  
629 reasonable accommodation is granted under s. 419.007(2) by July  
630 1, 2027.

631        (b) This section may not be construed to require a local  
632 government to amend its land use code if it has adopted zoning  
633 provisions governing the placement of community residences that  
634 meet the criteria of this section and ss. 419.003 and 419.007.

635        (c) This section may not be construed to prohibit a local  
636 government from adopting less restrictive zoning for siting  
637 community residences.

638        (d) No spacing distance may be greater than those  
639 specified in paragraph (3) (a).

640        (6) ENFORCEMENT.—A local government may require a  
641 sponsoring entity for a community residence to cease operations  
642 immediately if continued operation poses an immediate and  
643 significant threat to the health and safety of the residents or  
644 the community.

645        **Section 4. Section 419.007, Florida Statutes, is created**  
646 **to read:**

647        419.007 Community residences; reasonable accommodation.—

648        (1) ACCOMMODATION TO LOCATE WITHIN APPLICABLE SPACING  
649 DISTANCE.—A proposed community residence that does not comply  
650 with standards required in s. 419.005(3) (a) must be allowed as a

651 reasonable accommodation from the applicable local government if  
652 the sponsoring entity demonstrates all of the following:

653 (a) The proposed community residence will not interfere  
654 with the normalization and community integration, and, where  
655 practical, the use of neighbors without disabilities as role  
656 models, of the residents of the closest existing community  
657 residence or recovery community.

658 (b) The closest community residence, recovery community,  
659 or congregate living facility will not interfere with the  
660 normalization and community integration of the residents of the  
661 proposed community residence.

662 (2) COMPLIANCE FACTORS.—Primary factors that must be  
663 considered when determining compliance with subsection (1)  
664 include:

665 (a) The linear distance along the pedestrian right-of-way  
666 between the two residences.

667 (b) The likelihood of residents of one site interacting  
668 with residents of the other site.

669 (c) Whether the residents of both sites have different  
670 disabilities or no disability.

671 (d) Whether the proposed community residence in  
672 combination with any existing community residence, recovery  
673 community, or congregate living facility will alter the  
674 residential character of the surrounding neighborhood by  
675 creating an institutional atmosphere or de facto social service

676 district by clustering such residences on a block face or  
677 concentrating them in a neighborhood.

678 (3) ACCOMMODATION WITHOUT LICENSURE, CERTIFICATION, OR  
679 DESIGNATION.—If the state does not offer a license or  
680 certification for the type of community residence proposed and  
681 the population it would house, or if such proposed community  
682 residence is not eligible for designation as a recovery  
683 residence democratically operated by its residents from an  
684 entity recognized or sanctioned by the Congress, the local  
685 government must authorize a reasonable accommodation for the  
686 proposed community residence if the sponsoring entity  
687 demonstrates that:

688 (a) The proposed community residence operates or will  
689 operate in a manner effectively similar to that of a licensed,  
690 certified, or chartered residence;

691 (b) Staff residing or working in the proposed community  
692 residence are adequately trained in accordance with standards  
693 typically required by licensing or state certification for a  
694 community residence;

695 (c) The proposed community residence operates or will  
696 operate as the functional equivalent of a family and achieve  
697 normalization, community integration, and, when the residents  
698 are capable, the use of neighbors without disabilities as role  
699 models; and

700 (d) The rules and practices governing the operation of the

701 proposed community residence protect the residents from abuse,  
702 exploitation, fraud, theft, neglect, insufficient support, use  
703 of illegal drugs or alcohol, and misuse of prescription  
704 medications.

705 (4) ACCOMMODATION TO HOUSE MORE THAN 12 UNRELATED PEOPLE.—  
706 If a proposed community residence is intended to house more than  
707 12 unrelated people, the local government must authorize a  
708 reasonable accommodation for the proposed community residence if  
709 the sponsoring entity demonstrates that:

710 (a) The proposed number of residents greater than 12 is  
711 necessary to ensure the therapeutic or financial viability of  
712 the proposed community residence;

713 (b) The primary function of the proposed community  
714 residence is residential, and any medical treatment is  
715 incidental to the residential use of the property;

716 (c) The proposed community residence operates as the  
717 functional equivalent of a family rather than a boarding or  
718 rooming house; nursing home; short-term rental; continuing care  
719 facility; motel; hotel; treatment center; rehabilitation center;  
720 institutional use facility; assisted living facility or  
721 community residential home that does not comport with the  
722 definition of community residence in this chapter; or other  
723 nonresidential use; and

724 (d) The requested number of residents in the proposed  
725 community residence will not interfere with the normalization

726 and community integration of the occupants of the closest  
727 existing community residence or recovery community or, when the  
728 residents are capable, the use of neighbors without disabilities  
729 as role models.

730 (5) ACCOMMODATION TO PERMIT TRANSITIONAL COMMUNITY  
731 RESIDENCES IN SINGLE-FAMILY ZONING.—The local government must  
732 authorize a reasonable accommodation for a transitional  
733 community residence to be sited in an area of single-family  
734 zoning where single-family detached dwellings are the only  
735 dwellings allowed as permitted uses, provided that the  
736 sponsoring entity demonstrates that:

737 (a) The proposed transitional community residence complies  
738 with ss. 419.003 and 419.005; and

739 (b) The proposed transitional community residence is found  
740 to be compatible with the residential uses allowed as of right  
741 in the zoning district.

742 **Section 5. Section 419.009, Florida Statutes, is created**  
743 **to read:**

744 419.009 Recovery community as a permitted use.—

745 (1) LICENSURE AND OPERATIONS.—

746 (a) A recovery community must be licensed or certified by  
747 a licensing or certifying entity. A local government may revoke  
748 siting approval of a recovery community if the sponsoring entity  
749 fails to provide evidence of permanent licensure or  
750 certification.

751        (b) A sponsoring entity for a recovery community whose  
752        license or certification has been denied or revoked may not  
753        operate in this state. Any zoning approval granted to such  
754        sponsoring entity becomes null and void upon the denial or  
755        revocation of such license or certification. If a sponsoring  
756        entity appeals a revocation or denial of licensure or  
757        certification, any zoning approval granted to such sponsoring  
758        entity must be stayed pending the outcome of the appeal.

759        (c) The sponsoring entity must notify the designated local  
760        government official or other applicable entity that its license  
761        or certification has been revoked or denied within 5 calendar  
762        days after receiving notice of such revocation or denial. The  
763        sponsoring entity must cease operations within 60 calendar days  
764        after such notice, except that the local government may require  
765        operations to cease immediately when continued operation poses a  
766        threat to the health and safety of the residents or the recovery  
767        community. The sponsoring entity must coordinate the reunion of  
768        the residents with their families or arrange for the relocation  
769        of the residents to a safe and secure living environment.  
770        Enforcement of the revocation or denial of a license or  
771        certification must be stayed pending the outcome of an appeal  
772        unless a local government requires the sponsoring entity to  
773        cease operations.

774        (2) SITING AND ZONING.—A recovery community constitutes a  
775        residential use allowed in all zoning districts where

776 townhouses, duplexes, triplexes, or other forms of multifamily  
777 structures are allowed as permitted uses, provided that the  
778 sponsoring entity has received certification from the designated  
779 certifying entity as established by s. 397.487 and meets the  
780 following requirements:

781 (a) A proposed recovery community housing up to 16  
782 occupants is located at least 660 feet or 7 consecutive parcel  
783 lots, with each street and alley counting as 1 parcel lot,  
784 whichever is the greater distance, from the closest recovery  
785 community, community residence, or congregate living facility;

786 (b) A proposed recovery community housing 17 to 30  
787 occupants is located at least 900 feet or 9 consecutive parcel  
788 lots, with each street and alley counting as 1 parcel lot,  
789 whichever is the greater distance, from the closest recovery  
790 community, community residence, or congregate living facility;

791 (c) A proposed recovery community housing 31 to 50  
792 occupants is located at least 1,300 feet or 13 consecutive  
793 parcel lots, with each street and alley counting as 1 parcel  
794 lot, whichever is the greater distance, from the closest  
795 recovery community, community residence, or congregate living  
796 facility;

797 (d) A proposed recovery community housing 51 to 100  
798 occupants is located at least 1,400 feet or 14 consecutive  
799 parcel lots, with each street and alley counting as 1 parcel  
800 lot, whichever is the greater distance, from the closest



recovery community, community residence, or congregate living facility; or

(e) A proposed recovery community housing more than 100 occupants is located at least 1,500 feet or 15 consecutive parcel lots, with each street and alley counting as 1 parcel lot, whichever is the greater distance, from the closest recovery community, community residence, or congregate living facility.

(3) EXCEPTIONS.—

(a) For purposes of local land use and zoning determinations, this section does not affect:

1. The legal nonconforming use status of any recovery community lawfully permitted and operating before July 1, 2026.

2. The authority of any recovery community lawfully established before July 1, 2026, to continue to operate.

(b) This section may not be construed to require a local government to amend its land use code if it has adopted zoning provisions governing the placement of recovery communities that meet the criteria of subsections (1) and (2).

(c) This section may not be construed to prohibit a local government from adopting less restrictive zoning for siting recovery communities.

(d) No spacing distance may be greater than those specified in subsection (2).

(4) ENFORCEMENT.—

826        (a) A local government may require a sponsoring entity of  
827 a recovery community to cease operations immediately if  
828 continued operation poses an immediate and significant threat to  
829 the health and safety of the residents or the community.

830        (b) This section may not be construed to permit persons  
831 who are known to constitute a direct threat to the health and  
832 safety of others or whose residency would result in substantial  
833 physical damage to the person or property of others to reside in  
834 a community residence.

835        **Section 6. Section 419.013, Florida Statutes, is created**  
836 **to read:**

837        419.013 Recovery communities as reasonable accommodation.—

838        (1) A recovery community proposed to be located within the  
839 distance requirements specified in s. 419.009(2) from the  
840 closest existing community residence, recovery community, or  
841 congregate living facility must be allowed a reasonable  
842 accommodation if the sponsoring entity demonstrates that:

843        (a) The proposed recovery community will not interfere  
844 with the normalization and community integration of the  
845 residents of the closest existing community residence or  
846 recovery community; and

847        (b) The closest existing community residence, recovery  
848 community, or congregate living facility will not interfere with  
849 the normalization, community integration, or, when residents are  
850 capable, the use of neighbors without disabilities as role

models.

(2) Primary factors that must be considered when determining compliance with subsection (1) include:

(a) The linear distance along the pedestrian right-of-way between the two residences.

(b) The likelihood of residents of one site interacting with residents of the other site.

(c) Whether the residents of both sites have different disabilities or no disabilities.

(3) A proposed recovery community in combination with any existing community residence, recovery community, or congregate living facility may not alter the residential character of the surrounding neighborhood by creating an institutional atmosphere or by creating or intensifying an institutional atmosphere or de facto social service district by clustering community residences, recovery communities, or congregate living facilities on a block face or concentrating them in a neighborhood.

**Section 7. Section 419.015, Florida Statutes, is created to read:**

419.015 Community residences and recovery communities; applicable spacing distance; assistance.—

(1) A local government shall respond in writing within 10 business days to a request from a sponsoring entity as to whether a proposed site for a community residence or recovery

community is within the applicable spacing distance established by this chapter from the closest existing community residence, recovery community, or congregate living facility. The response must include the calculated distance relied upon to deny an otherwise permitted use.

(2) If the proposed community residence or recovery community is within the applicable spacing distance specified in s. 419.005(3)(a), the local government must, upon request by the sponsoring entity, provide, at no charge and in writing within 20 business days after receiving the request, all of the following information:

(a) The address of existing community residences, recovery communities, or congregate living facilities within the applicable spacing distance from the proposed community residence or recovery community.

(b) The exact linear distance along the pedestrian pathway of the proposed community residence or recovery community from the closest existing community residence, recovery community, or congregate living facility.

(c) The addresses and general nature of the residents' disabilities in all existing community residences and recovery communities as well as the nature of the population served at any congregate living facilities within a one-half mile radius of the proposed community residence or recovery community.

**Section 8. Subsection (2) of section 393.501, Florida**

**Statutes, is amended to read:**

393.501 Rulemaking.—

(2) Such rules must address the number of facilities on a single lot or on adjacent lots, except that there is no restriction on the number of facilities designated as community residences as defined in s. 419.001 ~~residential homes located within a planned residential community as those terms are defined in s. 419.001(1).~~

**Section 9. Paragraph (k) of subsection (6) of section 400.464, Florida Statutes, is amended to read:**

400.464 Home health agencies to be licensed; expiration of license; exemptions; unlawful acts; penalties.—

(6) The following are exempt from licensure as a home health agency under this part:

(k) The delivery of community residential services for which the community residence ~~residential home~~ is licensed under chapter 419, to serve the residents in its facility.

**Section 10. Paragraph (c) of subsection (3) of section 400.9972, Florida Statutes, is amended to read:**

400.9972 License required; fee; application.—

(3) An applicant for licensure must provide:

(c) Proof of compliance with local zoning requirements, including compliance with the requirements of chapter 419 if the proposed facility is a community residence ~~residential home~~.

**Section 11. Subsection (3) of section 429.11, Florida**

**Statutes, is amended to read:**

429.11 Initial application for license.—

(3) If the applicant is a community residence ~~residential home~~, the applicant must provide proof that it has met the requirements specified in chapter 419.

**Section 12. Subsection (5) of section 429.67, Florida Statutes, is amended to read:**

429.67 Licensure.—

(5) Unless the adult family-care home is a community residence ~~residential home~~ subject to chapter 419, the applicant must provide documentation, signed by the appropriate governmental official, that the home has met local zoning requirements for the location for which the license is sought.

**Section 13. Paragraph (e) of subsection (2) of section 1003.57, Florida Statutes, is amended to read:**

1003.57 Exceptional students instruction.—

(2)

(e) This subsection applies to any nonresident student with a disability who resides in a residential facility and who receives instruction as an exceptional student with a disability in any type of residential facility in this state, including, but not limited to, a public school, a private school, a group home facility as defined in s. 393.063, an intensive residential treatment program for children and adolescents as defined in s. 395.002, a facility as defined in s. 394.455, an intermediate

HB 1193

2026

951 care facility for the developmentally disabled or ICF/DD as  
952 defined in s. 393.063 or s. 400.960, or a community residence  
953 ~~residential home~~ as defined in s. 419.001.

954       **Section 14.** This act shall take effect July 1, 2026.